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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAVID W. DINGLE,

12 Plaintiff,

13 v.

14 GREGORY C. TESLUK, et al.,

15 Defendants.
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No. 2:20-cv-1878 JAM DB P

ORDER TO SHOW CAUSE

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42
18 U.S.C. § 1983. Plaintiff claims defendants violated his rights under the Eighth Amendment.

19 By order dated November 5, 2020 the court screened the complaint. (ECF No. 7.) It
20 found plaintiff's allegations failed to state a claim. The complaint was dismissed with sixty days
21 leave to amend. On January 27, 2021, the undersigned issued findings and recommendations
22 recommending that this action be dismissed for failure to file an amended complaint. (ECF No.
23 11.) Thereafter, plaintiff filed objections stating that a fellow inmate has been assisting him with
24 this case, that inmate has all the materials related to this action, and that he cannot meet with that
25 inmate because inmate movement is restricted due to the COVID-19 pandemic. (ECF No. 12.)
26 He requested a "postpone[ment] of these proceedings until after the coronavirus threat and [the
27 prison is] back to a normal program."

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1 The court declined to grant a stay, but vacated the January 27, 2021 findings and
2 recommendations and granted plaintiff an additional 60 days to file an amended complaint. (ECF
3 No. 13.) Those sixty days have passed, and plaintiff has filed a second set of objections¹ to the
4 January 27, 2021 findings and recommendations but has not filed an amended complaint. (ECF
5 No. 14.)

6 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of this order,
7 plaintiff shall either dismiss this action or file an amended complaint. Plaintiff is advised that
8 failure to do so will result in a recommendation that this action be dismissed for failure to
9 prosecute and failure to comply with court orders. See E.D. Cal. R. 110; E.D. Cal. R. 183(b);
10 Fed. R. Civ. P. 41.

11 Dated: July 6, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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18 DB:12
19 DB/DB Prisoner Inbox/Civil Rights/R/ding1878.osc
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27 ¹ It is not clear from plaintiff's objections whether he was aware that the court vacated the
28 January 27, 2021 findings and recommendations and granted him an additional sixty days to file
an amended complaint.